

REMARKS

Upon entry of the present paper, Applicants will have elected, with traverse, Species I and SubSpecies I comprising claims 1-3, 5-7, 9-12, 14 and 25. Applicants note that at least claims 1, 2 and 25 are generic to Species I and II, and further note that at least claim 3 is generic to all identified subspecies.

In the Restriction Requirement, the Examiner has determined that there are two distinct species, namely:

- I Species I - Figures 3 and 4 (threaded coupling ring)
- II Species II - Figure 10 (press-fit, unthreaded coupling ring)

In addition, the Examiner has determined that there are three distinct subspecies contained in this application, namely:

- I Figures 5A, 5B, 6, 7A and 7B
- II Figures 8A and 8B
- III Figures 9A and 9B

Applicants respectfully traverse the above Restriction Requirements and submit that they are inappropriate.

With respect to the Examiner's assertion (without explanation) that the application contains claims directed to two patentably distinct species and three distinct subspecies, as set forth in M.P.E. P. § 803, the Examiner must, *inter alia*, set forth the existence of a

"serious burden" if the restriction requirement were not required. However, the Examiner has not even addressed this required issue of "serious burden."

Moreover, no serious burden exists in examining at least the claims of Species I and II and subspecies 1-3 for at least the reason that the search for these species and subspecies of invention would be coextensive, or at least have significant overlap. For example, all of the claims of the present invention are directed to a securing device for a spring having a generally annular spring support and a generally annular coupling ring that connects thereto, to support a spring therebetween. Thus, for at least these reasons, the search for the claims of the species and subspecies would appear to be coextensive.

Further, examining all claims together surely will not result in a "serious burden" (discussed *supra*) on the Office in also examining the claims directed towards the non-elected species and subspecies (*i.e.*, claims 4, 8, 13 and 15-24), which would otherwise be withdrawn from consideration if the election requirement is maintained. In M.P.E.P. § 803, it is stated that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims two distinct or independent inventions."

Applicants further respectfully submit, that in spite of the Examiner's restriction analysis, the non-elected claims should be examined in the instant application because the search for the species and subspecies identified by the Examiner would be co-extensive, or

at least significantly overlap. That is, if the Examiner were to perform a search for the species and subspecies of claims 1-3, 5-7, 9-12, 14 and 25, it would not appear to be a serious burden in concluding the examination of species and subspecies (i.e., claims 4, 8, 13 and 15-24, especially since, as discussed *supra*, all claims are directed to a securing device for a spring having a generally annular spring support and a generally annular coupling ring that connects thereto, to support a spring therebetween.

Applicants further submit that Applicants are allowed, even encouraged, by the U.S. Patent and Trademark Office to draft claims of varying scope. Merely because one claim does not require that details of another claim is not a proper basis for restriction. Otherwise, most independent claims would be restricted from their dependent claims.

Because the search of each of the species and subspecies would be co-extensive, there would be no *serious* burden on the Examiner to examine all of the claims in this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdrawal the election requirement. For the foregoing reasons, the election of species requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Also, because the search for all species and subspecies would be coextensive, there would be no serious burden on the Examiner to examine all of the claims of this application. For this reason, consistent with office policy as set forth in M.P.E.P. § 803, Applicants

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respectfully request that the Examiner reconsider and withdraw the Election Requirement.

For the foregoing reasons, the Election Requirement in this application is believed improper and it is respectfully submitted that it be reconsidered and withdrawn.

Nevertheless, in order to be fully responsive, Applicants have elected with traverse claims 1-3, 5-7, 9-12, 14 and 25 for examination, in the event that the Examiner chooses not to reconsider and withdraw the Restriction Requirement.

Should the Examiner have any questions or comments regarding the present paper or this application, the Examiner is respectfully invited to contact the undersigned at the below-listed number.

Respectfully submitted,
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